

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

ALAN WADE BERGER, #16105179 §

VS. § CIVIL ACTION NO. 5:05cv56

F.C.I. WARDEN §

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Caroline M. Craven. On September 8, 2005, Petitioner filed a motion for summary judgment.

The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case. Petitioner filed objections to the Report. This Court made a *de novo* review of Petitioner's objections and determined that they lack merit.

This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS that Petitioner's motion for summary judgment (docket entry #12) is denied; **ORDERS, ADJUDGES, and DECREES** that this action is **DISMISSED WITH PREJUDICE** for lack of jurisdiction and **DISMISSED WITHOUT PREJUDICE** regarding all other issues; and

ORDERS that all motions not previously ruled on are denied.

SIGNED this 7th day of November, 2005.



DAVID FOLSOM
UNITED STATES DISTRICT JUDGE